

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
OCALA DIVISION**

**MARLOW L LEAHMON,**

**Plaintiff,**

**v.**

**Case No: 5:22-cv-430-PRL**

**COMMISSIONER OF SOCIAL  
SECURITY,**

**Defendant.**

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**ORDER**

This matter is before the Court on Plaintiff's unopposed Motion for Attorney's Fees. (Doc. 19). Pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), Plaintiff requests an award of fees in the amount of \$7,638.84. The incorporated schedule confirms the attorney hours. (Doc. 19). The Commissioner has no objection to the motion. (Doc. 20).

The motion asserts that Plaintiff is the prevailing party in this litigation, that the Commissioner's position in the underlying action was not substantially justified and that Plaintiff's net worth at the time proceeding was filed was less than two million dollars.<sup>1</sup> Previously, the Court entered an Order reversing and remanding this cause back to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). The

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<sup>1</sup> Under the EAJA, a claimant is eligible for an attorney fee award where: (1) the claimant is a prevailing party in a non-tort suit involving the United States; (2) the Government's position was not substantially justified; (3) the claimant filed a timely application for attorney's fees; (4) the claimant had a net worth of less than \$2 million at the time the complaint was filed; and (5) there are no special circumstances which would make the award of fees unjust. 28 U.S.C. § 2412(d).

Clerk entered Judgment accordingly. (Doc. 18). Plaintiff then filed the motion for attorney's fees. (Doc. 19).

Plaintiff attached a copy of the fee agreement (Doc. 19-2), which includes Plaintiff's assignment of EAJA fees to counsel. In light of the assignment, Plaintiff requests (and Defendant agrees) that the payment should be made payable to Plaintiff and delivered to Plaintiff's counsel unless Plaintiff owes a federal debt. If the U.S. Department of the Treasury determines that Plaintiff does not owe a federal debt, the government will accept Plaintiff's assignment of EAJA fees and pay fees directly to Plaintiff's counsel.

Pursuant to the provisions of the Equal Access to Justice Act (28 U.S.C. § 2412(d)), Plaintiff's petition for attorney's fees (Doc. 19) is hereby **GRANTED**. Plaintiff is awarded attorney's fees in the amount of **\$7,638.84**. Payment is authorized to Plaintiff's counsel if the Commissioner determines Plaintiff does not owe a debt to the government.

**DONE** and **ORDERED** in Ocala, Florida on July 27, 2023.

  
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PHILIP R. LAMMENS  
United States Magistrate Judge

Copies furnished to:

Counsel of Record  
Unrepresented Parties